



6351-01-P

## COMMODITY FUTURES TRADING COMMISSION

### Agency Information Collection Activities Under OMB Review

**AGENCY:** Commodity Futures Trading Commission.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995 (PRA), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected costs and burden.

**DATES:** Comments must be submitted on or before **[30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

**ADDRESSES:** Comments regarding the burden estimated or any other aspect of the information collection, including suggestions for reducing the burden, may be submitted directly to the Office of Information and Regulatory Affairs (OIRA), in OMB, within 30 days of this notice's publication by either of the following methods. Please identify the comments by "OMB Control No. 3038-97."

- By email addressed to: *OIRAsubmissions@omb.eop.gov* or
- By mail addressed to: the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention Desk Officer for the Commodity Futures Trading Commission, 725 17th Street, NW, Washington DC 20503.

A copy of all comments submitted to OIRA should be sent to the Commodity Futures Trading Commission (the “Commission”) by any of the following methods. The copies should refer to “OMB Control No. 3038-0097.”

- By mail addressed to: Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581;
- By Hand Delivery/Courier to the same address; or
- Through the Commission’s website at <https://comments.cftc.gov>. Please follow the instructions for submitting comments through the website.

A copy of the supporting statement for the collection of information discussed herein may be obtained by visiting <https://RegInfo.gov>.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to <https://www.cftc.gov>. You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that is exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures set forth in section 145.9 of the Commission's regulations.<sup>1</sup> The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from <https://www.cftc.gov> that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the ICR will be retained in the public comment file and will

---

<sup>1</sup> 17 CFR 145.9.

be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Megan Wallace, Senior Special Counsel, Division of Clearing and Risk, Commodity Futures Trading Commission, (202) 418-5150; email: *mwallace@cftc.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Part 39, Process for Review of Swaps for Mandatory Clearing (OMB Control No. 3038–0097). This is a request for extension and revision<sup>2</sup> of a currently approved information collection.

*Abstract:* The Commodity Exchange Act and Commission regulations require a derivatives clearing organization (“DCO”) that wishes to accept a swap for clearing to be eligible to clear the swap and to submit the swap to the Commission for a determination as to whether the swap is required to be cleared. Commission Regulation 39.5 sets forth the process for these submissions. The Commission uses the information in this collection to determine whether a DCO that wishes to accept a swap for clearing is eligible to clear the swap and whether the swap should be required to be cleared.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. On July 6, 2018, the Commission published in the *Federal Register* notice of the proposed extension of this information collection and provided 60 days for public comment on the

---

<sup>2</sup> The total number of respondents has been increased from 14 in 2015 to 16 in 2018, based on the current number of registered DCOs, thus increasing the total annual burden hours from the previous 560 hours (40 hrs/response x 14) to 640 hours (40 hrs./response x 16) currently.

proposed extension, 83 FR31530 (“60-Day Notice”). The Commission did not receive any relevant comments on the 60-Day Notice.

*Burden Statement:* The respondent burden for this collection is estimated to be as follows:

*Respondents/Affected Entities:* Derivatives clearing organizations.

*Estimated Number of Respondents:* 16.

*Estimated Average Burden Hours Per Respondent:* 40.

*Estimated Total Annual Burden Hours:* 640 hours.

*Frequency of Collection:* On occasion.<sup>3</sup>

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: September 17, 2018

Robert Sidman,

*Deputy Secretary of the Commission.*

---

<sup>3</sup> While the 60-Day Notice indicates “daily, annual, and on occasion,” the frequency of information collection is only “on occasion” based on current data.

